

## Plant Health -Noxious Weed Rule

The Vermont [Noxious Weeds Quarantine](#) (the Rule ) prohibits the sale, movement, distribution, and in some cases, possession or cultivation of [Designated Noxious Weeds](#) that are recognized as invasive plant species in Vermont or federally. The Vermont Agency of Agriculture, Food and Markets (Agency) bans the sale and introduction into the state, and regulates movement and disposal activities of listed noxious weed species. The potential ecological or economic impacts of these plant species outweigh their value as ornamental plants in the nursery and landscape trade. Naturalized invasive species can be found in forests, fields, or backyards, on roadsides or streambanks where management can be difficult. The state of Vermont considers the listed noxious weeds threats to agricultural or forestry industries, the natural environment, and/or the general public. The Rule provides structure for how it will regulate these species.

### Frequently Asked Questions

#### **How does the Noxious Weeds Quarantine regulate identified noxious weeds?**

Depending on the “class” of the identified weed, the Rule prohibits certain actions by a nursery, landowner, or land manager. It prohibits “possession, cultivation, sale, movement, and distribution” of Class A weeds, and prohibits the “sale, movement, and/or distribution” of Class B weeds. It does not prohibit the possession or cultivation of Class B weeds already established in ornamental or landscape plantings.

The Rule prohibits the movement of regulated noxious weeds. Exemptions may be made for movement if part of a disposal plan that does not result in new areas of infestation. People are encouraged to contact the Plant Health team with questions.

#### **What should I do if I find a nursery selling listed plants?**

Contact the Plant Health Section directly, [AGR.PlantHealth@vermont.gov](mailto:AGR.PlantHealth@vermont.gov), or use the [Environmental Resources Complaint form](#). The Agency will follow up with the nursery, inform them of the Rule, their obligations under the

Rule, and if necessary, issue a stop sale or require other mitigation efforts to stop the spread of listed species.

#### **I operate a nursery and people ask why I can't sell plants on the list. What should I tell them?**

Education is the best approach. You can share that the plant is considered a noxious weed and is prohibited from being sold in Vermont. If you would like copies of the Rule or supporting information, these are available at the Agency website ([Invasive & Noxious Weeds in Vermont | Agency of Agriculture Food and Markets](#)).

Inform your customers that there are non-invasive and native plant [alternatives](#) to many of the regulated invasive plants. Direct customers toward these options, providing an opportunity for nursery and landscaping businesses to develop these potential markets.

Please do not hesitate to refer the public to the Plant Health Section for help in explaining the rule and educating customers about the consequences to our environment should these plants remain in commerce.

**What about sterile cultivars and varieties of listed plants?**

There is a provision in the Rule to exempt sterile cultivars or varieties of listed plants. Individuals are invited to contact the Agency if they would like to have a specific cultivar/variety exempted. Individuals must be able to demonstrate through scientific research that the plant in question is considered sterile, and therefore not invasive.

**How does the Agency enforce the Rule?**

The Agency annually registers, and routinely inspects nursery stock for Class A and B listed noxious weeds. If listed noxious weeds are present on the sales floor or are being cultivated for sale, it will tag plants, and issue a written “stop sale” or other order to prevent sale, movement or distribution. Nurseries may either destroy the nursery stock or return to the vendor.

More commonly, the Agency will receive a complaint about the spread of a listed noxious weed through landscape management activities, including moving infested dirt or debris, or through related disposal activities. Removal conducted in an ecologically responsible manner, meaning that the movement or disposal of noxious weeds results in their destruction, and does not contribute to new infestations or spread, is permitted.

If you are uncertain about whether your management activity is permitted or requires a variance, please contact the Plant Health Section for information, [agr.planthealth@vermont.gov](mailto:agr.planthealth@vermont.gov).

**Do I need to eradicate noxious weeds on my property?**

There is no requirement or obligation of landowners or managers to eradicate Class B plants where they are already established.

**How do I safely dispose of the plant material to prevent spread?**

A property owner can dispose of or smother noxious weeds and infested materials on their own property. However, taking care to not put materials and plant matter in a location that could lead to spread, like a hillside or near surface water.

Municipalities may have designated areas for disposal that are already infested, but an individual must contact the municipality, and receive permission before disposal. Compost facilities are another option, but these facilities should weigh whether to accept materials containing invasive noxious weeds. Unless it is confident that composting will render plants and plant parts inert, it should not accept these materials.

As a last resort homeowners may dispose of noxious weeds and infested materials in the trash. The Agency of Natural Resources offers [guidance](#) on managing invasives.

Additional Resources:

- [6 V.S.A. Chapter 84](#)
- [VT Invasives](#)
- [VT Fish and Wildlife-Invasive Plants](#)
- [Invasive Plants \(usda.gov\)](#)
- [USDA APHIS | Federal Noxious Weeds](#)